

## **REMARKS/ARGUMENTS**

Claims 1-25 are pending in this application. Claims 1-21 stand rejected. Claims 22-25 have been withdrawn from consideration. Claim 5 has been amended to more clearly set forth the features of the present invention. Applicant has thoroughly reviewed the Office Action and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All of the claims are believed to be patentable over the cited references.

### **CLAIM REJECTIONS – 35 U.S.C. § 112**

Claims 5-6 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant respectfully traverses this rejection.

Without conceding the propriety of this rejection, claim 5 has been amended as indicted in the Listing of Claims and Applicant respectfully submits that said amendment overcomes this objection. No further elaboration is believed necessary and withdrawal of the rejection is respectfully requested.

### **CLAIM REJECTIONS – 35 U.S.C. § 103**

Claims 1-3, 13, 14-15, 20, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) in view of Micale (US 5,806,797) and/or Powell (US 2004/0237439). Applicant respectfully traverses this rejection.

Claims 4-7, 12, 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or

Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Owen (US 6,061,982). Applicant respectfully traverses and requests removal of the objection.

Claims 8 and 9 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Telair International (DE 19712278). Applicant respectfully traverses and requests removal of the objection.

Claims 10 and 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Tovani (US 5,827,022). Applicant respectfully traverses and requests removal of the objection.

Claims 16 and 17 are rejected under 35 U.S.C. §103(a) as being unpatentable over Baldwin (US 3,612,316) as modified by Micale (US 5,806,797) and/or Powell (US 2004/0237439) as applied to claim 1 above, and further in view of Nordstrom (US 7,410,128). Applicant respectfully traverses and requests removal of the objection.

The Examiner has rejected independent claim 1 and the respective claims dependent therefrom as being unpatentable over Baldwin (US patent 3,612,316) in view of Micale (US patent 5,806,797) and/or Powell (US patent application publication 2004/0237439) which Applicant respectfully traverses.

Turning to Powell, Applicant notes that this document has been classified by the USPTO as falling within classes 52/503 and 52/505. Class 52 relates generally to static structures, e.g. buildings. Classes 52/503 and 52/505 relate to hollow modules that form a through passage in a barrier interior and, with respect to such modules, to facing of solid block-type modules, respectively.

Clearly, Powell relates to a non-analogous art and would not have been consulted by the person skilled in the art seeking to improve a floor for a cargo compartment of an aircraft. In this respect, we moreover note that the weight considerations commonly associated with aircraft design would have restrained the person skilled in the art from considering any possible utility in the solid-block techniques of Powell.

Accordingly, Applicant respectfully submits that the Examiner's reliance on Powell appears to be rooted in an unallowable, *ex post facto* perspective of the claimed invention, *i.e.* a perspective that requires knowledge of the solution proposed by the application, namely provision of the floor as prefabricated modules.

While Micale relates to an airplane fuselage and can thus be considered analogous prior art, we note that Figures 16-18 of Micale actually teach away from the claimed invention in their teaching that floor grids are assembled to the fuselage before any floor elements are connected to the floor grids. The Examiner is moreover reminded that, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. It is not appropriate to distill an invention down to a "gist."

As can be seen, Micale provides absolutely no teaching or suggestion specifically relating to the prefabrication of floor modules for a cargo compartment of an aircraft. Furthermore, the teachings of Micale are not generalized teachings, as implicitly suggested by the Examiner, to the respect that any sort of aircraft structure can be prefabricated. Instead, Micale seeks to improve upon known prefabrication techniques and apparatuses for manufacturing panels and major airplane

fuselage sections. As discussed at length in Columns 1 and 2 of Micale, prior techniques for such manufacture have drawbacks such as tolerance buildup that lead to significant deviation from the original design dimensions. The teachings of Micale address this specific problem, however Micale does not teach or suggest that any sort of aircraft structure can be prefabricated and, in fact, Micale explicitly teaches away from the claimed invention as discussed above.

Accordingly, in light of the above, Applicant respectfully submits that the claimed invention is non-obviousness and a prima facie case for obviousness has yet to be established..

Turning to claims 2-21, although the subject matter of claims 2-21 is non-obvious by virtue of those claims' dependency from independent claim 1, Applicant wishes to comment on the distinctiveness of the features recited in claims 4, 7-10, 16 and 19.

With respect to claim 4 it has been rejected as being unpatentable over Baldwin as modified by Micale and/or Powell and further in view of Owen (US patent 6,061,982). As exemplified in the opening paragraph of Owen, the teachings thereof relate to a raised floor system for use in office buildings or the like. Again having regard for the significantly differing requirements of aircraft flooring and office floor systems, *e.g.* in terms of weight, structural stiffness and loadability, is not apparent what could have motivated the person skilled in the art to consult the non-analogous teachings of Owen without knowledge of the claimed solution.

Furthermore, notwithstanding that Owen is non-analogous art, we note that Owen is utterly silent with regard to the provision of transmissions sockets and transmission connectors as recited in claim 4. On the contrary, as explicitly acknowledged by the

Examiner, Owen teaches power cables and water conduits that run across multiple floor modules. The Examiner seeks to bridge this gap between the subject matter of claim 4 and the disclosure of Owen by taking "official notice that transmission sockets are well known in this day and age." In doing so, the Examiner again inadvertently distills the invention down to a gist, *i.e.* does not consider the invention as a whole, in violation of proper examination practice. *Inter alia*, the Examiner does not consider the safety and reliability requirements associated with aircraft equipment as compared to the requirements placed on wiring and conduits for an office environment.

Now turning to claim 7 has also been rejected as being unpatentable over Baldwin as modified by Micale and/or Powell and further in view of Owen. Accordingly, our above remarks regarding the non-analogousness of Owen apply *mutatis mutandis*. Again, the Examiner does not consider, for example, the safety and reliability requirements associated with aircraft equipment as compared to the requirements placed on 'wiring and conduits for an office environment.

Claim 19 has also been rejected as being unpatentable over Baldwin as modified by Micale and/or Powell and further in view of Owen,

In applying the teachings of Owen to claim 19, the Examiner remarks that Owen teaches a water tank 86. As is readily apparent to the person skilled in the art of office building equipment and construction from Fig. 1 and col. 6, lines 3-6 of Owen, water tank 86 is not provided in the floor, but is instead part of a separate cooling tower. As such, Owen clearly does not teach or suggest incorporating a water tank into a floor module for a cargo compartment of an aircraft as recited in claim 19,

The Office Action states that claims 8 and 9 have been rejected as being unpatentable

over Baldwin as modified by Micale and/or Powell and further in view of Telair International (DE 197 12 278).

In substantiating this rejection, the Examiner argues that Telair discloses inspection openings with floor element sections 42 and fast action closure devices. However, Telair does not comprise such a teaching.

As described in col. 3, lines 36-39 and 55-59 of Telair, cut-outs 34, 35 serve to receive support frames 36, 37 that are specially provided for receiving a drive apparatus. The base plates 42, 58 comprise through-bores 59 ... 62 on their mounting flanges 48, 57 for riveting or screwing the support frames 36, 37, in an inserted state, to the base plate 13 of the floor element,

Claim 10 has been rejected as being unpatentable over Baldwin as modified by Micale and/or Powell and further in view of Tovani (US patent 5,827,022). In substantiating this rejection, the Examiner argues that Tovani discloses sealing devices and refers to reference sign 22. Reference sign 22 refers to a longitude spaced edge (cf. col. 3, lines 56-57 of Tovani). Nowhere does Tovani use the word "seal" or any similar word such as "airtight." The Examiner's interpretation of Tovani is thus believed to be erroneous.

Lastly, Claim 16 has been rejected as being unpatentable over Baldwin as modified by Micale and/or Powell and further in view of Nordstrom (US patent 7,410,128). While we agree that Nordstrom teaches walls 48 as well as corresponding fixation devices (at least implicitly), each tranverse wall 48 of Nordstrom is connected to three conveyor belts 6 (cf. col. 6, lines 18-19 of Nordstrom). Nordstrom does not teach or suggest attachment of a bulkhead to a prefabricated floor module that includes at least one floor element and at least one floor beam.

### CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance and such action is hereby solicited. Any additional fee believed necessary for the consideration of this response is hereby authorized to be charged to Deposit Account No. 50-2036.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned attorney at (202) 861-1714.

Respectfully submitted,

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